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Hoffmann-La Roche Inc. and  
Roche Laboratories, Inc.

**FILED**

MAR 12 2008

**Carol E. Higbee, P.J.Cv.**

ANDREW McCARRELL,  
  
Plaintiff,

v.

HOFFMANN-LA ROCHE, INC. and  
ROCHE LABORATORIES, INC.

Defendants.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: ATLANTIC COUNTY

DOCKET NO.: ATL-L-1951-03 MT

**ORDER**

**THIS MATTER** having been tried to a jury before the Hon. Carol E. Higbee, P.J.Cv., beginning on May 3, 2007 and continuing on such dates as are reflected in the transcript; and the jury having rendered its verdict for compensatory damages on May 29, 2007, awarding to plaintiff Andrew McCarrell the amount of One Hundred Nineteen Thousand Dollars (\$119,000) in compensation for past medical expenses; and the amount of Two Million, Five Hundred Thousand Dollars (\$2,500,000) for non-economic compensatory damages; and defendants Hoffmann-La Roche Inc. and Roche Laboratories Inc. having moved for a new trial and judgment notwithstanding the verdict;

**IT IS** on this ~~12~~<sup>13</sup>th day of March, 2008,

**ORDERED** that defendants Hoffmann-La Roche Inc.'s and Roche Laboratories Inc.'s motion for a new trial and for judgment notwithstanding the verdict in this matter be and hereby is **DENIED**, for the reasons stated in the Court's Memorandum of Decision dated February 8, 2008; and it is further

**ORDERED** that prejudgment interest is awarded on the amounts awarded to Plaintiff and it is further

**ORDERED** that judgment be and hereby is entered in the Civil Docket in favor of plaintiff and against defendants Hoffmann-La Roche Inc. and Roche Laboratories Inc. in the amount of Three Million, One Hundred Fifty-Eight Thousand, Fifty-Six Dollars (\$3,158,056), together with taxed costs and post judgment interest accruing at an annual rate of 7.5 percent for each day during calendar year 2008 after March 7, 2008, or approximately \$640 per day, and at the annual rate set pursuant to R. 4:42-11(a) for each calendar year, after 2008, that the judgment remains outstanding, as follows:

1. One Hundred Nineteen Thousand Dollars (\$119,000) in accordance with the jury's verdict for past medical compensatory damages; and
2. Two Million, Five Hundred Thousand Dollars (\$2,500,000) for non-economic compensatory damages; and
3. Five Hundred Thirty-Nine Thousand, Fifty-Six Dollars (\$539,056) for pre judgment interest pursuant to R. 4:42-11(b), calculated as follows:
  - a. On \$2,619,000 (compensatory damages):
    - 1) from July 23, 2003 through December 31, 2003 at an annual rate of 5.0 percent, totaling \$57,762 ( $\$2,619,000 \times 0.05 \times 0.4411$  [161/365]) ;
    - 2) from January 1, 2004 through December 31, 2004 at an annual rate of 4.0 percent, totaling \$104,760 ( $\$2,619,000 \times 0.04 \times 1.0000$  [365/365]) ;

- 3) from January 1, 2005 through December 31, 2005 at an annual rate of 3.0 percent, totaling \$78,570 ( $\$2,619,000 \times 0.03 \times 1.0000 [365/365]$ ) ;
  - 4) from January 1, 2006 through December 31, 2006 at an annual rate of 4.0 percent, totaling \$104,760 ( $\$2,619,000 \times 0.04 \times 1.0000 [365/365]$ ) ;
  - 5) from January 1, 2007 through December 31, 2007 at an annual rate of 6.0 percent, totaling \$157,140 ( $\$2,619,000 \times 0.06 \times 1.0000 [365/365]$ ) ;
  - 6) from January 1, 2008 through March 7, 2008 at an annual rate of 7.5 percent, totaling \$36,064 ( $\$2,619,000 \times 0.075 \times 0.1836 [67/365]$ )
4. Taxed costs in an amount to be set within 30 days of the date of this Order.
  5. Post judgment interest pursuant to R. 4:42-11(a), accruing at an annual rate of 7.5 percent for each day during calendar year 2008 after March 7, 2008, or approximately \$640 per day, calculated as follows:  $\$3,158,056 \times 0.075 \times 0.0027 (1/365)$ ; and

6. Post judgment interest accruing at the annual rate set pursuant to R. 4:42-11(a) for each calendar year after 2008 that the judgment remains outstanding.

BY THE COURT:

  
CAROL E. HIGBEE, P.J.Cv.